

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 1, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Tom Harrington, JLDC; Mary Ellen Earnhart and Coleen Teeling, 21st Century Program; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Ray Lee, Ted Schuele, Dave Kirsch, Dean Ellis, Mark Trudeau, Dean Allport

MINUTES

Commissioner Weber moved to accept the minutes of May 20. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to accept the minutes of May 27. Commissioner Notbohm seconded. The motion carried.

REPORTS

Receipt of June Clerk and Recorder fees report.

CALENDAR REVIEW

7/04 Holiday - County offices closed

COMMISSION REPORTS

SOLID WASTE BOARD

Commissioner Weber reported that he attended a Solid Waste Board meeting last Tuesday night. The board may be changing meeting day.

POTENTIAL RSID

Commissioner Weber reported met with Jeremiah Theys and Joe Carter on Upper Rader Creek
July 1, 2008 minutes.wpd

Road on Wednesday. Some residents have expressed an interest in forming a RID/RMD.

Commissioner Weber stated that he met with Mark Gornick, Jeremiah Theys of Great West Engineering and Road Supervisor Joe Carter that night regarding forming a RID. The majority of the residents in the subdivision were in attendance and they will be getting back to us with a decision.

CTAC

Commissioner Weber reported on the CTAC meeting on the 26th. Golden Sunlight Mine is blessing us with many years of continued mining. The number of employees will increase. When they close the mill, employees will have the option of going out into the pit to remove overburden. The CTAC group continues to move forward with other projects.

EXPANSION PROJECT

Commissioner Weber reported that various county staff met with architect the previous day regarding expansion on former Wagner property.

DNRC

Commissioner Weber reported that the Commission met with Bruce Suenram and DNRC yesterday regarding mutual aid and mutual response. All happy with the way things have been working. The most recent thing that they have helped with is a program where the fire department buys the chassis for the fire truck and DNRC loads it. Elk Park recently took advantage of this, and Basin is looking into it. They not only help fight fires by bringing in equipment and manpower, but also help with other programs, such as the fire truck program. It is a good relationship. They also share the idea that fires should be responded to quickly and put out.

Commissioner Lythgoe arrived at this time (1:44).

MONTANA CITY ROUNDABOUT

Commissioner Lythgoe stated that he had a meeting with the owners of the Montana City Grill and Montana City Store, plus several personnel from MDT. Those two businesses have some issues with the roundabout. Not with the way that it is functioning, but with how it looks and some ingress/egress issues. They will be meeting again in the next week or two, at which time MDT will come back with some solutions. He thinks that the owners of the store will be asking for an encroachment permit a bit further up Jackson Creek Road.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

MOSQUITO CONCERNS

Commissioner Lythgoe stated that he had a concern regarding mosquitoes – he has been getting calls and has been hearing that the south end of town isn't getting sprayed. Commissioner Notbohm stated that they have been spraying, but he is not sure of their schedule; they are training three new people. They also ran out of chemical and needed to order more.

Ray Lee stated that he lives at 221 South Adams. Two days ago was the first time that they received any spray in that area. He stated that the truck went down Jackson, sprayed down Jackson, then turned the spray off, turned east on Fourth, then drove north on Adams Street with the spray turned off. He never sprayed east of Jackson until he got all the way up to Third and went between the Courthouse and grade school before he turned it on again. The only spray that they received this year is on that one day. On several other occasions this year he has heard the truck spraying the northern regions of town, the ball parks and even the outlying areas of the community. If they are running out of the spray, they are running out before they tend to the community. He stated that this is a fee, if he is not mistaken; a fee and not a tax. If it is a fee and he is not receiving the services, he will elect the right to refuse to pay that fee and he will make it public notice that this is what he has chosen to do and he will also make it public notice that others may also elect to do the same until they get what they feel is their fair share of a service. He said that he doesn't think that they are getting the representation they deserve on this, and when we do get it, it is awfully late in the season. They need to get the trucks out as soon as the first mosquito is seen. Commissioner Notbohm stated that if Ray looks at his tax bill, he will see that he is assessed \$15. Ray stated that he is assessed the fee, but he isn't getting the service. Commissioner Notbohm stated that he will check how many times they have been by; but he can assure Ray that it is more than once.

CORRESPONDENCE

Commissioner Weber read a letter from DEQ regarding complaints of dust on Corbin Road. (Letter on file in Clerk and Recorder's office). They request that Jefferson County have someone investigate the matter and develop a plan to mitigate the problem. Commissioner Weber stated that this has been given to Joe Carter, who has been in contact with the landowners as well as the DEQ. Commissioner Lythgoe stated that he assumes the subdivision that they are discussing is Meadowlark. He asked if Meadowlark is accessed right off of Corbin Road. The Commissioners discussed the location. Commissioner Notbohm stated that a bit of this will be alleviated when Dennis gets his portion of road chip sealed. Commissioner Weber stated that Joe is investigating and is working on it; he gave them a bit of an update at the road meeting this morning. This letter is standard operating procedure when they get a complaint.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS MILL LEVY FOR 21ST CENTURY PROGRAM

Mary Ellen Earnhart and Coleen Teeling came before the Commission with a proposal for a mill

levy. Mary Ellen stated that they are looking for ways to sustain the 21st Century program. They would like to have after-school care programs county-wide and eventually branch out to be able open community centers in each community and to offer adult education. Commissioner Weber read the letter that had been submitted and reviewed the associated costs. He stated that this would be approximately 12 mills, based on the last mill value. Commissioner Lythgoe asked if they have discussed this with Bonnie to develop ballot language and the impact on various values of homes. Mary Ellen stated that she hasn't spoken with her yet, but Rochelle Hesford has. Coleen stated that they have spoken to Bonnie briefly, thinking that they might need to do a petition.

Commissioner Notbohm stated that he has always supported most things that benefit children, he would have a hard time asking the citizens of this county to add any more to the school taxes, which are currently getting 70 to 75% of the taxes. He noted that people's financial situations may be getting more difficult in the future. Commissioner Weber asked if they have approached the schools. Mary Ellen stated that they have talked to the schools, and they are at their max mills. Because things are changing and hard times are coming, they are hoping that these can develop into community centers that can offer adult training to help get people back into the work force or to further their education to get better jobs. Commissioner Weber asked if they have talked to the school board. Mary Ellen stated that they take a break for the summer, so they haven't been able to meet with the whole boards. Colleen stated that this doesn't have to go under the umbrella of the school; they can work as a stand-alone program. Commissioner Weber asked if they have 501 (C) 3 status. Mary Ellen stated that they currently fall under the school, but they could apply. Commissioner Lythgoe stated that he agrees with Commissioner Notbohm somewhat, he hates to ask the taxpayers for more money. On the other hand, it will be up to them to decide if they want to support this or not, so he doesn't see a problem with putting this on the ballot. Also, the County has tried several times to fund various functions of the County, such as road or public safety, and they have never been successful. Again, it is a choice of the people. It doesn't cost a lot to put it on the ballot and this is not going to be forcing it on the people. Mary Ellen stated that she started the program in Montana City to help the parents, and they were able to offer after-school and summer programs at a discounted price. Since she left, the prices have been raised significantly, which doesn't offer any help to the parents. The 21st Century program also offers enrichment programs to the children, which is important.

Commissioner Weber requested that they get with Bonnie and with Matt to work out the details. Commissioner Lythgoe stated that he is supportive because it is the people that will decide "yea" or "nay", but it is still perceived as a school issue, and he agrees with Commissioner Notbohm that they are getting a large amount.

APPOINT FIRE TRUSTEE

Commissioner Weber read a letter from the Basin Volunteer Fire Trustees requesting that Julia Chase be removed from the Trustee Board, as she no longer lives in Basin. They are requesting that Jim Culbert be appointed in her place.

Commissioner Lythgoe moved to appoint Jim Culbert to the Basin Volunteer Fire Trustee Board. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 24-2008 BUDGET AMENDMENT – TO GRANT SPENDING AUTHORITY
FROM THE SALE OF FIXED ASSETS – ROAD DEPARTMENT

Commissioner Weber read the resolution as follows:

RESOLUTION 24-2008

**BUDGET AMENDMENT TO GRANT SPENDING AUTHORITY
FROM THE SALE OF FIXED ASSETS - ROAD DEPARTMENT**

WHEREAS, the Road Department has received monies from the sale of fixed assets, specifically miscellaneous items of equipment, in excess of the amount anticipated for fiscal year 2007-2008;

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners that the anticipated revenues of Jefferson County for fiscal year 2007-2008 be correspondingly increased in fund 2110 revenue source 360000 and in expenditure account 430240 object 216 \$3,867.61.

BE IT FURTHER RESOLVED that Three Thousand Eight Hundred Sixty-Seven dollars and Sixty-One cents received from the sale of fixed assets be appropriated to the Jefferson County Fund 2110, expenditure account 430240, object 216.

DATED this 1st day of July, 2008, effective nunc pro tunc June 24, 2008.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 26-2008 BUDGET AMENDMENT – TO GRANT SPENDING AUTHORITY
FOR UNANTICIPATED FUNDS – RECEIPT OF INSURANCE FUNDS

Commissioner Weber read the resolution as follows:

RESOLUTION 26-2008

**BUDGET AMENDMENT TO GRANT SPENDING AUTHORITY FOR UNANTICIPATED
FUNDS - RECEIPT OF INSURANCE FUNDS**

WHEREAS, Jefferson County has received monies from insurance reimbursement for the loss of a generator due to lightening and hail damage to a roof, in excess of the amount anticipated for fiscal year 2007-2008;

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners that the anticipated revenues of Jefferson County for fiscal year 2007-2008 be correspondingly increased in fund 2300 revenue source 382020 and in expenditure account 420100 object 940 \$27,968.00 for replacement of the generator, and in fund 1000 revenue source 360000 and in expenditure account 1000 411200 object 940 \$3,200.00 for roof repair.

BE IT FURTHER RESOLVED that Twenty-Seven Thousand Nine Hundred Sixty-Eight dollars received from insurance reimbursement be appropriated to the Jefferson County Fund 2300, expenditure account 420100, object 940, and that Three Thousand Two Hundred dollars received from insurance reimbursement be appropriated to the Jefferson County Fund 1000 expenditure account 411200, object 940.

DATED this 1st day of July, 2008, effective nunc pro tunc June 24, 2008.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON WELL ISOLATION AGREEMENT FOR SUNLIGHT BUSINESS PARK

Tom Harrington stated that this was previously before the Commission, and it was requested that the agreement go to the County Attorney for a language update to specify the well location. This has been done, and they are again requesting that the Commission accept the agreement.

Commissioner Notbohm asked for clarification as to what this is. Tom Harrington stated that they have a supply well that will be used for the public water system at the business park. They are in the final phases of permitting with the DEQ, and part of the requirement is a well isolation agreement. This basically puts a 100-foot perimeter around the well to keep potential contaminants away.

Commissioner Weber moved to declare the well control zone of 100 feet around the north supply well No. 2 at the Sunlight Business Park Phase 1. Commissioner Lythgoe seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Mark Trudeau stated that he lives in the Moonlight Ridge subdivision. He wants to make the Commission aware of what some homeowners are doing – trying to close Upper Jackson Creek Road with “Private Road” signs and block access to BLM land. Commissioner Weber stated that the signs are currently in Commissioner Lythgoe’s office.

Ted Schuele stated that he would like to remind the Board that we just went through all of this about three year ago. With all of his research and time with his attorney, he spent about \$3,000 at that time. Because this has come up twice now in less than three year’s time, he has decided to get rid of his 300 acres up there, and he is considering making it a trust and giving it to the federal government. He is concerned about access to public lands. His family has been accessing those public lands on that road since 1907. As far as he is concerned, this is a back-door attempt to try to abandon a county road that has been there for 82 years. Commissioner Lythgoe stated that our position is parallel to Mr. Schuele’s position, and our County Attorney is willing to defend our position in court.

Dean Allport stated that he supports Mr. Trudeau and Mr. Schuele, and asked if there is any way to be notified if this indeed goes to court. Commissioner Weber stated that it would be in the

paper, and Mr. Schuele will be named as party to the suit, if there is one. Dean stated that he has been on the County website and noted the posting places for public notices and asked if he should be looking there. Commissioner Lythgoe stated that postings are related to Commission agendas. Commissioner Notbohm stated that Mr. Schuele got the notification at the same time the County Attorney did, so he will be made aware of any further action when the County is.

Ray Lee, stated that he would like to expand on the previous discussion. He questioned why there is such opposition to aerial spraying for mosquitoes. It is ten times as effective, it is less cost and it is a once or twice a year thing. He wonders why there is such resistance when Silver State helicopters told him personally that they could rig up for it and give a more precise application than the airplane. Commissioner Weber asked if he has talked to the Mosquito Board. Ray stated that he has talked to Commissioner Notbohm, to no avail. Commissioner Weber stated that he would suggest that he go to the Mosquito Board, raise those concerns and try to get some answers. Commissioner Lythgoe asked who the chair of the board is. Commissioner Notbohm stated that it is Leslie. Commissioner Lythgoe suggested that Ray go to the Clerk and Recorder's office and speak to Leslie and ask about getting on an agenda. Commissioner Notbohm stated that he has spoken to the outfit out of Butte regarding using their service, and he never did get a quote of what the service would cost. Their first response was questioning what we would pay, and Commissioner Notbohm stated that he informed them that the County doesn't do business that way. As far as using the airplane, you can't spray over the town; you can only spray the edges and the valley. But the cost is huge, so they backed off doing that. You get a lot better fogging with the trucks. Commissioner Notbohm stated that he personally went with Bill last year to spray around Ray's house; the problem is that his fence is so high that they can't get a good shot at the back yard.

Ray stated that he contacted Silver State Helicopters two years ago; he will contact them and see if he can get the conversation started again. He understands that they can't spray in town, but the problem is the flood irrigating out in the valley. He noted that putting a little biscuit every 20 acres isn't going to work.

Dave Kirsch stated that it seems that no one has been out in the last week. He stated that if you go to Helena or Three Forks, he doesn't know what they are doing that we aren't, but he doesn't get bitten at all. There are swamps and puddles all over there, but they don't have the problem we do.

Jan Anderson stated that the Mosquito Board heard these same things over and over years ago and went and tried to replicate what other districts did, and Boulder seems to be different. Commissioner Lythgoe stated that he grew up in the Helena Valley and they did flood irrigation. They would get to the point where they were so bad that he would jump into the canal to get away from them. He doesn't know what Helena did, but within two years, there were no mosquitoes, and they continued to flood irrigate.

Commissioner Notbohm stated that he is glad that he doesn't live where Commissioner Weber lives.

Commissioner Weber moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER